

### **REMARKS/ARGUMENTS**

This is in response to the Office Action dated August 3, 2009. Claims 1-10 are pending and stand rejected in the outstanding Office Action. Claims 1 and 6 have been amended.

Applicant thanks the Examiner for the consideration of the Information Disclosure Statement filed January 13, 2009.

The rejection of independent claims 1 and 6 as allegedly being anticipated under 35 U.S.C. § 102(b), by Takahashi et al. (US 6,354,944) is respectfully traversed. Takahashi fails to disclose or even remotely suggest each and every limitation set forth in the claims. Anticipation requires that “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference”, *Verdegaal Bro. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) (MPEP § 2131).

Amended claim 1 (and equivalently claim 6 as well) now recites “wherein said viewpoint-location setting programmed logic circuitry sets the viewpoint-locations in such a manner so that each of operating objects selected by said selecting programmed logic circuitry is displayed to have approximately the same size, *even if any one operating object is selected out of said plurality of operating objects different in size*”. Support for the amendment can be found in Figs. 8-11 of the instant specification. Takahashi fails to disclose or suggest the above limitation.

In Takahashi, the set position of the virtual camera from the player character may depend on the size of the player character. In other words, if the player character is large, then the distance of the virtual camera from the player character is set to be large. On the other hand, if the size of the player character is small, then the distance of the virtual

camera from the player character is set to be small. In Takahashi, this adjustment of the distance of the virtual camera is done for each particular player character.

However, Applicant submits that even though this adjustment achieves approximately the same size for a particular game object, regardless of its size in the progress of the game (i.e., as it moves forward in a fast way or as it stays back moving slowly), this does not necessarily imply that different player objects are made to appear to have the same size by adjusting the virtual camera position, as required by amended claims 1 and 6. In other words, Takahashi does not teach making the adjustment for each player character, so that all player characters (including those having different sizes) are displayed to have the same size. Takahashi is concerned with keeping focus on a particular player character so that its size does not change considerably regardless of its position in the game space, not on ensuring that every selected player character out of a plurality of player characters different in size appears to have the same size. In fact, Figs. 11-13 in Takahashi show multiple characters appearing to have different sizes.

In addition, Takahashi fails to teach or suggest that each of the operating objects selected by the selecting programmed logic circuitry is displayed to have approximately the same size, as discussed above.

Regarding claims 1 and 6, the Examiner stated that “disclosed in the invention of Takahashi is the fact the invention’s intention is to generate the optimum view from the avatar angle depending on the size of the character selected for viewing”, emphasis added, see lines 18-20, p. 4 of the Office Action. Moreover, the Examiner admits that “Not disclosed but understood is that the optimum view will generate for every character size the same size (or optimum size) on the window” and continues “[there exists] at least one possibility that Takahashi’s viewpoint

changes such that all of the objects displayed are approximately the same size-when objects are located near each other at the location displayed. Wherein by moving the camera viewpoint away for a large character and moving closer for a small character will inherently maintain the same size or optimal size of the character, at least approximately”, emphasis added, see last paragraph of p. 4 of the Office Action.

Finally, in the Response to Arguments section, the Examiner stated that “it is for that particular character for every player’s view that the adjustment of Takahashi is made. Making it clear that in Takahashi every player views their own character approximately the same size in their screen”, emphasis added.

First, the Examiner admits that Takahashi does not disclose that “the optimum view will generate for every character size the same size on the window”. The Examiner has not met his burden to show that Takahashi anticipates every feature of the claims when he claims that “it is understood”, or that it is Takahashi’s “intention” that the above feature is present in Takahashi, and his statement clearly results from hindsight reconstruction.

Applicant disagrees with the Examiner’s allegation that “at least one possibility is that Takahashi’s viewpoint changes such that all of the objects displayed are approximately the same size-when objects are located near each other at the location displayed. Wherein by moving the camera viewpoint away for a large character and moving closer for a small character will inherently maintain the same size or optimal size of the character, at least approximately”, emphasis added. As described in MPEP section 2112, “To establish inherency, the extrinsic evidence ‘must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that

a certain thing may result from a given set of circumstances is not sufficient.” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted). The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art). Accordingly, Takahashi’s possibility for viewpoint changes (as alleged in the Office Action) does not properly lead to the conclusion of inherency for maintaining the same size or optimal size of the character (as further alleged in the Office Action).

Second, it appears that the Examiner is arguing that when a plurality of objects are “located near each other at the location displayed”, then the method of Takahashi for a particular object, will maintain the same size for all the objects (that are close to each other). However, the amended claims 1 and 6 require that “each of operating objects selected by said selecting programmed logic circuitry is displayed to have approximately the same size, even if any one operating object is selected out of said plurality of operating objects different in size”. In other words, in the invention, the objects will have the same size, even if they are not located near to each other.

The Examiner, by stating, “Wherein by moving the camera viewpoint away for a large character and moving closer for a small character will inherently maintain the same size or optimal size of the character, at least approximately”, admits that this feature is present for a particular object, not for all objects regardless of their size. Similarly, according to the Examiner, Takahashi’s method is such that every player views their own character to have the same size, which does not imply that every character is made to have the same size.

Takahashi fails to teach or suggest that the operating object can be displayed in approximately the same size even if any one operating object is selected out of the plurality of operating objects different in size. The Examiner argues the point that whether the objects are located near each other, or the point that all the operating objects are displayed in approximately the same size, but these points are different from the feature of the invention. The feature of the present invention is that the viewpoint location is controlled such that the operating object can be displayed in approximately the same size even if any one operating object is selected out of said plurality of operating objects different in size.

For the above reasons, claims 1 and 6 are allowable.

It is respectfully requested that the rejection of claims 2-5 and 7-10, each being dependent from claim 1 or 6, also be withdrawn.

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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